

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 81-11917

- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
- 2. Source of water** Surface water sources within the Clear Creek subbasin of Basin 81
- 3. Annual diversion volume** 846 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from surface water sources on Clear Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Clear Creek subbasin of Basin 81.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Clear Creek subbasin of Basin 81.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions**
 - a. The Clear Creek subbasin of Basin 81 includes all lands draining into Clear Creek, which is a tributary to the

**necessary for
definition or
administration of
this water right**

Clearwater River. The area included within the Clear Creek subbasin is depicted on a map entitled "Clear Creek subbasin within IDWR Basin 81," on file with the Director of the Idaho Department of Water Resources.

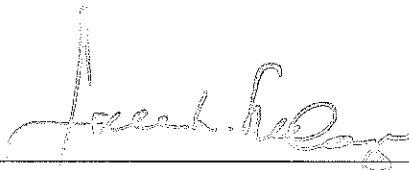
b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.

A handwritten signature in cursive script, appearing to read "John M. Melanson", written in dark ink.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 81-11929

- | | |
|--------------------------------------|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Surface water sources within the Maggie Creek subbasin of Basin 81 |
| 3. Annual diversion volume | 13 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from surface water sources on Maggie Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Maggie Creek subbasin of Basin 81. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Maggie Creek subbasin of Basin 81. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions | a. The Maggie Creek subbasin of Basin 81 includes all lands draining into Maggie Creek, which is a tributary to the |

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FILED
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

**necessary for
definition or
administration of
this water right**

Clearwater River. The area included within the Maggie Creek subbasin is depicted on a map entitled "Maggie Creek subbasin within IDWR Basin 81," on file with the Director of the Idaho Department of Water Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.

A handwritten signature in cursive script, appearing to read "John M. Melanson", written over a horizontal line.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 81-11930

DISTRICT COURT - 5th JUDICIAL DISTRICT
TWIN FALLS CO., IDAHO
FILED
2017 JAN 30 PM 10:03

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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Ground water sources within the Clear Creek subbasin of Basin 81 |
| 3. Annual diversion volume | 2 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from ground water sources within the Clear Creek Subbasin of Basin 81. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Clear Creek Subbasin of Basin 81. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions necessary for definition or administration of this water right | <p>a. The Clear Creek Subbasin of Basin 81 includes all lands draining into Clear Creek, which is a tributary to the Clearwater River. The area included within the Clear Creek subbasin is depicted on a map entitled "Clear Creek subbasin within IDWR Basin 81," on file with the Director of the Idaho Department of Water Resources.</p> <p>b. Notwithstanding the Priority Date of this water right, the Tribe</p> |


and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 81-11931

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2007 JUN 30 PM 10 03

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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Ground water sources within the Maggie Creek subbasin of Basin 81 |
| 3. Annual diversion volume | 16 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from ground water sources within the Maggie Creek Subbasin of Basin 81. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Maggie Creek Subbasin of Basin 81. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions necessary for definition or administration of this water right | a. The Maggie Creek Subbasin of Basin 81 includes all lands draining into Maggie Creek, which is a tributary to the Clearwater River. The area included within the Maggie Creek subbasin is depicted on a map entitled "Maggie Creek subbasin within IDWR Basin 81," on file with the Director of the Idaho Department of Water Resources. |


b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 81-11932

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2007 JUN 30 PM 10 00

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|--------------------------------------|--|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Those portions of the Middle Fork Clearwater River included within the Idaho Department of Water Resources Administrative Basin No. 81 and groundwater sources hydrologically connected thereto. |
| 3. Annual diversion volume | 4118 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed to serve lands reserved in the Treaty of June 9, 1863 that are, at the time of use, held in tribal trust or tribal fee, or allotted lands held in trust or under restrictions against alienation. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Lands reserved in the Treaty of June 9, 1863 that are, at the time of use, held in tribal trust or tribal fee, or allotted lands held in trust or under restrictions against alienation. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions | a. For groundwater wells in the vicinity of the Middle Fork Clearwater River, a hydrological connection to the Middle Fork |

**necessary for
definition or
administration of
this water right**


Clearwater River is presumed when well levels respond to changes in the flow of the Middle Fork Clearwater River. Further, wells within 500 feet of the ordinary high water mark or within 200 feet of the 100-year flood plain of the Middle Fork Clearwater River and drilled and sealed to a depth below the bed of the Middle Fork Clearwater River are presumed to be connected to the Middle Fork Clearwater River. These presumptions do not preclude demonstration of a hydrological connection using other methods.

b. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

c. Notwithstanding the Priority Date of this water right, changes in Points of Diversion to other water sources shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Point of Diversion. Any such proposed changes in Points of Diversion will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 81-11933

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2017 JAN 30 AM 10:08

- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
- 2. Source of water** Ground water sources within the Middle Fork Clearwater River subbasin of Basin 81 that are not hydrologically connected with the Middle Fork Clearwater River.
- 3. Annual diversion volume** 44 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from ground water sources within the Middle Fork Clearwater River subbasin of Basin 81.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Middle Fork Clearwater River subbasin of Basin 81.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions necessary for definition or**
 - a. Middle Fork Clearwater River subbasin of Basin 81 includes all lands draining into Middle Fork Clearwater River. The area included within this subbasin is depicted on a map entitled "Middle Fork Clearwater River subbasin within IDWR Basin 81," on file

**administration of
this water right**

with the Director of the Idaho Department of Water Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

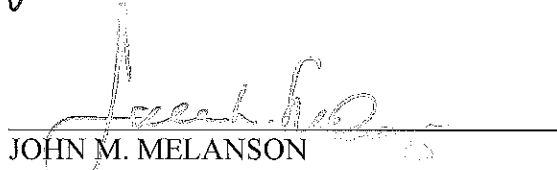
c. To the extent that groundwater sources within the Middle Fork Clearwater River subbasin of Basin 81 are hydrologically connected to the Middle Fork Clearwater River, diversions from those sources shall be considered to be exercise of water right 81-11932 and not a part of this water right. The presumptions regarding connectivity in water right 81-11932 apply to determinations of whether a diversion is part of this water right.

d. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the ground water resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other ground water users.

e. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 82-12120

- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
- 2. Source of water** Surface water sources within the Rabbit Creek subbasin of Basin 82
- 3. Annual diversion volume** 4 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from surface water sources on Rabbit Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Rabbit Creek subbasin of Basin 82.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Rabbit Creek subbasin of Basin 82.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions**
 - a. The Rabbit Creek subbasin of Basin 82 includes all lands draining into Rabbit Creek, which is a tributary to the

**necessary for
definition or
administration of
this water right**

South Fork Clearwater River. The area included within the Rabbit Creek subbasin is depicted on a map entitled "Rabbit Creek subbasin within IDWR Basin 82," on file with the Director of the Idaho Department of Water Resources.


b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 82-12217

FILED
2007 JUN 30 PM 10 03
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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|--|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Ground water sources within the Rabbit Creek subbasin of Basin 82 |
| 3. Annual diversion volume | 5 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from ground water sources within the Rabbit Creek Subbasin of Basin 82. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Rabbit Creek Subbasin of Basin 82. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions necessary for definition or administration of this water right | a. The Rabbit Creek Subbasin of Basin 82 includes all lands draining into Rabbit Creek, which is a tributary to the South Fork Clearwater River. The area included within the Rabbit Creek subbasin is depicted on a map entitled "Rabbit Creek subbasin within IDWR Basin 82," on file with the Director of the Idaho Department of Water Resources. |


b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 82-12218

FILED
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
2007 JAN 30 PM 10 01

- | | |
|--------------------------------------|--|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Those portions of the South Fork Clearwater River included within the Idaho Department of Water Resources Administrative Basin No. 82 and groundwater sources hydrologically connected thereto. |
| 3. Annual diversion volume | 1304 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed to serve lands reserved in the Treaty of June 9, 1863 that are, at the time of use, held in tribal trust or tribal fee, or allotted lands held in trust or under restrictions against alienation. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Lands reserved in the Treaty of June 9, 1863 that are, at the time of use, held in tribal trust or tribal fee, or allotted lands held in trust or under restrictions against alienation. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions | a. For groundwater wells in the vicinity of the South Fork Clearwater River, a hydrological connection to the South Fork |

**necessary for
definition or
administration of
this water right**

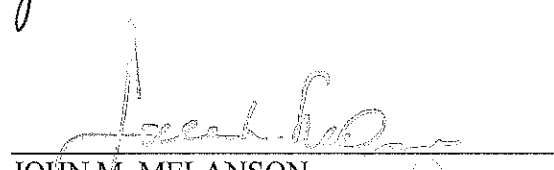
Clearwater River is presumed when well levels respond to changes in the flow of the South Fork Clearwater River. These presumptions do not preclude demonstration of a hydrological connection using other methods.

b. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

c. Notwithstanding the Priority Date of this water right, changes in Points of Diversion to other water sources shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Point of Diversion. Any such proposed changes in Points of Diversion will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 82-12219

- | | |
|---|--|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Ground water sources within the South Fork Clearwater River Subbasin of Basin 82 that are not hydrologically connected with the South Fork Clearwater River. |
| 3. Annual diversion volume | 53 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from ground water sources within the South Fork Clearwater River Subbasin of Basin 82. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the South Fork Clearwater River Subbasin of Basin 82. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions necessary for definition or administration of | a. The South Fork Clearwater River Subbasin of Basin 82 includes all lands draining into the South Fork Clearwater River, which is a tributary to the mainstem Clearwater River. The area included within this subbasin is depicted on a map entitled "South Fork Clearwater River subbasin within IDWR Basin 82," on file |

this water right

with the Director of the Idaho Department of Water Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

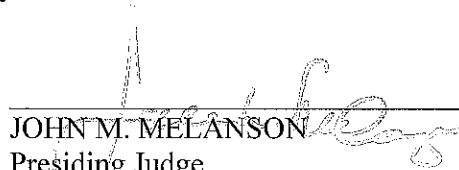
c. To the extent that groundwater sources within the South Fork Clearwater River Subbasin of Basin 82 are hydrologically connected to the South Fork Clearwater River, diversions from those sources shall be considered to be exercise of water right 82-12218 and not a part of this water right. The presumptions regarding connectivity in water right 82-12218 apply to determinations of whether a diversion is part of this water right.

d. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the ground water resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other ground water users.

e. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 83-11941

- | | |
|--------------------------------------|--|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Those portions of the North Fork Clearwater River included within the Idaho Department of Water Resources Administrative Basin No. 83 and groundwater sources hydrologically connected thereto. |
| 3. Annual diversion volume | 2913 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed to serve lands reserved in the Treaty of June 9, 1863 that are, at the time of use, held in tribal trust or tribal fee, or allotted lands held in trust or under restrictions against alienation. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Lands reserved in the Treaty of June 9, 1863 that are, at the time of use, held in tribal trust or tribal fee, or allotted lands held in trust or under restrictions against alienation. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions | a. For groundwater wells in the vicinity of the North Fork Clearwater River, a hydrological connection to the North Fork |

**necessary for
definition or
administration of
this water right**

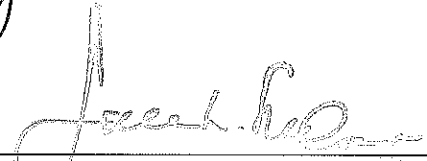
Clearwater River is presumed when well levels respond to changes in the flow of the North Fork Clearwater River. Further, wells within 500 feet of the ordinary high water mark or within 200 feet of the 100-year flood plain of the North Fork Clearwater River and drilled and sealed to a depth below the bed of the North Fork Clearwater River are presumed to be connected to the North Fork Clearwater River. These presumptions do not preclude demonstration of a hydrological connection using other methods.

b. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

c. Notwithstanding the Priority Date of this water right, changes in Points of Diversion to other water sources shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Point of Diversion. Any such proposed changes in Points of Diversion will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 83-11944

- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
- 2. Source of water** Ground water sources within the North Fork Clearwater River subbasin of Basin 83 that are not hydrologically connected with the North Fork Clearwater River.
- 3. Annual diversion volume** 20 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from ground water sources within the North Fork Clearwater River subbasin of Basin 83.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the North Fork Clearwater River subbasin of Basin 83.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions necessary for definition or** a. North Fork Clearwater River subbasin of Basin 83 includes all lands draining into North Fork Clearwater River. The area included within this subbasin is depicted on a map entitled "North Fork Clearwater River subbasin within IDWR Basin 83," on file

**administration of
this water right**

with the Director of the Idaho Department of Water Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.


c. To the extent that groundwater sources within the North Fork Clearwater River subbasin of Basin 83 are hydrologically connected to the North Fork Clearwater River, diversions from those sources shall be considered to be exercise of water right 83-11941 and not a part of this water right. The presumptions regarding connectivity in water right 83-11941 apply to determinations of whether a diversion is part of this water right.

d. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the ground water resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other ground water users.

e. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 84-12177

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2007 JAN 30 PM 10 04

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|--------------------------------------|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Surface water sources within the Jim Ford Creek subbasin of Basin 84 |
| 3. Annual diversion volume | 1855 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from surface water sources on Jim Ford Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Jim Ford Creek subbasin of Basin 84. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Jim Ford Creek subbasin of Basin 84. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions | a. The Jim Ford Creek subbasin of Basin 84 includes all lands draining into Jim Ford Creek, which is a tributary to the |

**necessary for
definition or
administration of
this water right**

Clearwater River. The area included within the Jim Ford Creek subbasin is depicted on a map entitled "Jim Ford Creek subbasin within IDWR Basin 84," on file with the Director of the Idaho Department of Water Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.

A handwritten signature in cursive script, appearing to read "John M. Melanson", written in dark ink.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 84-12205

- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
- 2. Source of water** Surface water sources within the Lolo Creek subbasin of Basin 84
- 3. Annual diversion volume** 12 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from surface water sources on Lolo Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Lolo Creek subbasin of Basin 84.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Lolo Creek subbasin of Basin 84.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions** a. The Lolo Creek subbasin of Basin 84 includes all lands draining into Lolo Creek, which is a tributary to the

**necessary for
definition or
administration of
this water right**

Clearwater River. The area included within the Lolo Creek subbasin is depicted on a map entitled "Lolo Creek subbasin within IDWR Basin 84," on file with the Director of the Idaho Department of Water Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January 2007.

A handwritten signature in cursive script, appearing to read "John M. Melanson", written in dark ink.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 84-12206

- | | |
|--------------------------------------|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Surface water sources within the Orofino Creek subbasin of Basin 84 |
| 3. Annual diversion volume | 605 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from surface water sources on Orofino Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Orofino Creek subbasin of Basin 84. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Orofino Creek subbasin of Basin 84. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions | a. The Orofino Creek subbasin of Basin 84 includes all lands draining into Orofino Creek, which is a tributary to the |

**necessary for
definition or
administration of
this water right**

Clearwater River. The area included within the Orofino Creek subbasin is depicted on a map entitled "Orofino Creek subbasin within IDWR Basin 84," on file with the Director of the Idaho Department of Water Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January 2007.

A handwritten signature in cursive script, appearing to read "John M. Melanson", written over a horizontal line.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 84-12207

CLERK OF DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED
2007 JAN 30 PM 10 01

- | | |
|--------------------------------------|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Surface water sources within the Tom Taha Creek subbasin of Basin 84 |
| 3. Annual diversion volume | 23 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from surface water sources on Tom Taha Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Tom Taha Creek subbasin of Basin 84. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Tom Taha Creek subbasin of Basin 84. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions | a. The Tom Taha Creek subbasin of Basin 84 includes all lands draining into Tom Taha Creek, which is a tributary to |

**necessary for
definition or
administration of
this water right**

the Clearwater River. The area included within the Tom Taha Creek subbasin is depicted on a map entitled "Tom Taha Creek subbasin within IDWR Basin 84," on file with the Director of the Idaho Department of Water Resources.

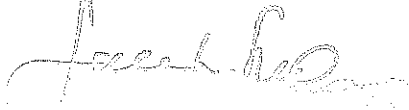
b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 84-12208

2007 JAN 30 09 10 05
FILED
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

- | | |
|--------------------------------------|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Surface water sources within the Unnamed Creek subbasin of Basin 84 |
| 3. Annual diversion volume | 32 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from surface water sources on Unnamed Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Unnamed Creek subbasin of Basin 84. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Unnamed Creek subbasin of Basin 84. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions | a. The Unnamed Creek subbasin of Basin 84 includes all lands draining into Unnamed Creek, which is a tributary to the |

**necessary for
definition or
administration of
this water right**

Clearwater River. The area included within the Unnamed Creek subbasin is depicted on a map entitled "Unnamed Creek subbasin within IDWR Basin 84," on file with the Director of the Idaho Department of Water Resources.

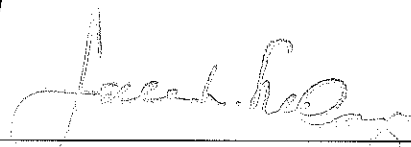
b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.

A handwritten signature in cursive script, appearing to read "John M. Melanson", written in dark ink.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 84-12209

2007 JUN 30 AM 10 05
DISTRICT COURT - 5th JUDICIAL DISTRICT
TWIN FALLS CO., IDAHO
FILED

- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
- 2. Source of water** Ground water sources within the Jim Ford Creek subbasin of Basin 84
- 3. Annual diversion volume** 66 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from ground water sources within the Jim Ford Creek Subbasin of Basin 84.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Jim Ford Creek Subbasin of Basin 84.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions necessary for definition or administration of this water right**
 - a. The Jim Ford Creek Subbasin of Basin 84 includes all lands draining into Jim Ford Creek, which is a tributary to the Clearwater River. The area included within the Jim Ford Creek subbasin is depicted on a map entitled "Jim Ford Creek subbasin within IDWR Basin 84," on file with the Director of the Idaho Department of Water Resources.

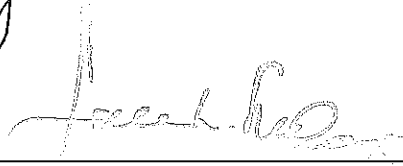
b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January 2007.

A handwritten signature in dark ink, appearing to read "John M. Melanson", is written over a horizontal line.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 84-12210

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2007 JAN 30 PM 10 05

- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
- 2. Source of water** Ground water sources within the Orofino Creek subbasin of Basin 84
- 3. Annual diversion volume** 20 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from ground water sources within the Orofino Creek Subbasin of Basin 84.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Orofino Creek Subbasin of Basin 84.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions necessary for definition or administration of this water right**
 - a. The Orofino Creek Subbasin of Basin 84 includes all lands draining into Orofino Creek, which is a tributary to the Clearwater River. The area included within the Orofino Creek subbasin is depicted on a map entitled "Orofino Creek subbasin within IDWR Basin 84," on file with the Director of the Idaho Department of Water Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.

A handwritten signature in cursive script, appearing to read "John M. Melanson", written in dark ink.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 84-12211

2007 JUN 30 PM 10 05
FILED
DISTRICT COURT - SRBA
TWIN FALLS CO, IDAHO

- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
- 2. Source of water** Ground water sources within the Tom Taha Creek subbasin of Basin 84
- 3. Annual diversion volume** 17 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from ground water sources within the Tom Taha Creek Subbasin of Basin 84.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Tom Taha Creek Subbasin of Basin 84.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions necessary for definition or administration of**
 - a. The Tom Taha Creek Subbasin of Basin 84 includes all lands draining into Tom Taha Creek, which is a tributary to the Clearwater River. The area included within the Tom Taha Creek subbasin is depicted on a map entitled "Tom Taha Creek subbasin within IDWR Basin 84," on file with the Director of the Idaho Department of Water

this water right

Resources.

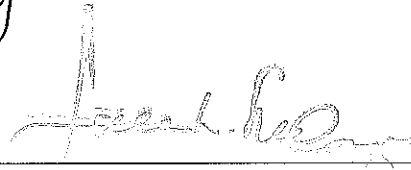
b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.

A handwritten signature in cursive script, appearing to read "John M. Melanson", written over a horizontal line.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 84-12212

- | | |
|---|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Ground water sources within the Unnamed Creek subbasin of Basin 84 |
| 3. Annual diversion volume | 20 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from ground water sources within the Unnamed Creek Subbasin of Basin 84. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Unnamed Creek Subbasin of Basin 84. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions necessary for definition or administration of | a. The Unnamed Creek Subbasin of Basin 84 includes all lands draining into Unnamed Creek, which is a tributary to the Clearwater River. The area included within the Unnamed Creek subbasin is depicted on a map entitled "Unnamed Creek subbasin within IDWR Basin 84," on file with the Director of the Idaho Department of Water |

this water right

Resources.

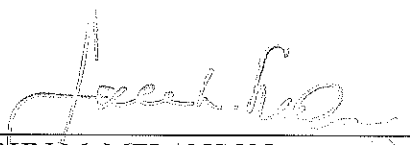
b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 84-12213

DISTRICT COURT - 5TH JUDICIAL DISTRICT
TWIN FALLS CO., IDAHO
FILED
2007 JAN 30 PM 10 05

- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
- 2. Source of water** Those portions of the Clearwater River included within the Idaho Department of Water Resources Administrative Basin No. 84 and groundwater sources hydrologically connected thereto.
- 3. Annual diversion volume** 2691 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed to serve lands reserved in the Treaty of June 9, 1863 that are, at the time of use, held in tribal trust or tribal fee, or allotted lands held in trust or under restrictions against alienation.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Lands reserved in the Treaty of June 9, 1863 that are, at the time of use, held in tribal trust or tribal fee, or allotted lands held in trust or under restrictions against alienation.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions**
 - a. For groundwater wells in the vicinity of the Clearwater River, a hydrological connection to the Clearwater River is

**necessary for
definition or
administration of
this water right**

presumed when well levels respond to changes in the flow of the Clearwater River. Further, wells within 500 feet of the ordinary high water mark or within 200 feet of the 100-year flood plain of the Clearwater River and drilled and sealed to a depth below the bed of the Clearwater River are presumed to be connected to the Clearwater River. These presumptions do not preclude demonstration of a hydrological connection using other methods.

b. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

c. Notwithstanding the Priority Date of this water right, changes in Points of Diversion to other water sources shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Point of Diversion. Any such proposed changes in Points of Diversion will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 84-12214

- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
- 2. Source of water** Ground water sources within the Clearwater River subbasin of Basin 84 that are not hydrologically connected with the Clearwater River.
- 3. Annual diversion volume** 152 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from ground water sources within the Clearwater River subbasin of Basin 84.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Clearwater River subbasin of Basin 84.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions necessary for definition or administration of**
a. Clearwater River subbasin of Basin 84 includes all lands draining into Clearwater River. The area included within this subbasin is depicted on a map entitled "Clearwater River subbasin within IDWR Basin 84," on file with the Director of the Idaho Department of Water Resources.

this water right

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, including groundwater in the amount of 0.06 c.f.s. diverted in accordance with water right 84-12161, will continue to receive their full legal entitlement under state law.

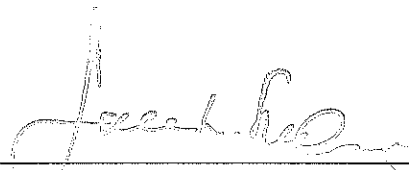
c. To the extent that groundwater sources within the Clearwater River subbasin of Basin 84 are hydrologically connected to the Clearwater River, diversions from those sources shall be considered to be exercise of water right 84-12213 and not a part of this water right. The presumptions regarding connectivity in water right 84-12213 apply to determinations of whether a diversion is part of this water right.

d. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the ground water resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other ground water users.

e. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.

A handwritten signature in cursive script, appearing to read "John M. Melanson", written in dark ink.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15456

- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
- 2. Source of water** Surface water sources within the Big Canyon Creek subbasin of Basin 85
- 3. Annual diversion volume** 1893 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from surface water sources on Big Canyon Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Big Canyon Creek subbasin of Basin 85.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Big Canyon Creek subbasin of Basin 85.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions**
 - a. The Big Canyon Creek subbasin of Basin 85 includes all lands draining into Big Canyon Creek, which is a tributary

**necessary for
definition or
administration of
this water right**

to the Clearwater River. The area included within the Big Canyon Creek subbasin is depicted on a map entitled "Big Canyon Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.


b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15457

- | | |
|--------------------------------------|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Surface water sources within the Butcher Creek subbasin of Basin 85 |
| 3. Annual diversion volume | 15 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from surface water sources on Butcher Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Butcher Creek subbasin of Basin 85. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Butcher Creek subbasin of Basin 85. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions | a. The Butcher Creek subbasin of Basin 85 includes all lands draining into Butcher Creek, which is a tributary to the |

**necessary for
definition or
administration of
this water right**

Clearwater River. The area included within the Butcher Creek subbasin is depicted on a map entitled "Butcher Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.

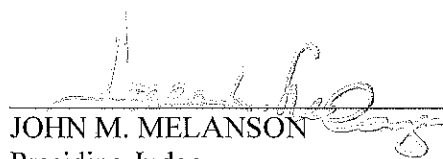
b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15458

- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
- 2. Source of water** Surface water sources within the Cottonwood Creek (Clearwater) subbasin of Basin 85
- 3. Annual diversion volume** 220 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from surface water sources on Cottonwood Creek (Clearwater) and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Cottonwood Creek (Clearwater) subbasin of Basin 85.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Cottonwood Creek (Clearwater) subbasin of Basin 85.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other** a. The Cottonwood Creek (Clearwater) subbasin of Basin

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DISTRICT COURT - 550A
TWIN FALLS CO., IDAHO
FILED

**provisions
necessary for
definition or
administration of
this water right**

85 includes all lands draining into Cottonwood Creek (Clearwater), which is a tributary to the Clearwater River. The area included within the Cottonwood Creek (Clearwater) subbasin is depicted on a map entitled "Cottonwood Creek (Clearwater) subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.

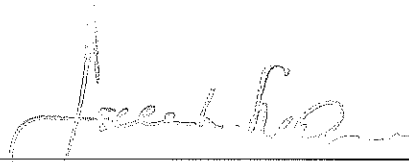
b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15459

- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
- 2. Source of water** Surface water sources within the Cottonwood Creek (S.Fork Clearwater) subbasin of Basin 85
- 3. Annual diversion volume** 159 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from surface water sources on Cottonwood Creek (S.Fork Clearwater) and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Cottonwood Creek (S.Fork Clearwater) subbasin of Basin 85.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Cottonwood Creek (S.Fork Clearwater) subbasin of Basin 85.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other** a. The Cottonwood Creek (S.Fork Clearwater) subbasin

**provisions
necessary for
definition or
administration of
this water right**

of Basin 85 includes all lands draining into Cottonwood Creek (S.Fork Clearwater), which is a tributary to the South Fork Clearwater River. The area included within the Cottonwood Creek (S.Fork Clearwater) subbasin is depicted on a map entitled "Cottonwood Creek (S.Fork Clearwater) subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.

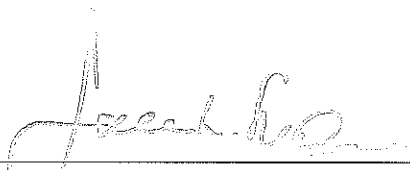
b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15460

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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

- | | |
|--------------------------------------|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Surface water sources within the Effie Creek subbasin of Basin 85 |
| 3. Annual diversion volume | 26 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from surface water sources on Effie Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Effie Creek subbasin of Basin 85. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Effie Creek subbasin of Basin 85. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions | a. The Effie Creek subbasin of Basin 85 includes all lands draining into Effie Creek, which is a tributary to the |

**necessary for
definition or
administration of
this water right**

Clearwater River. The area included within the Effie Creek subbasin is depicted on a map entitled "Effie Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.

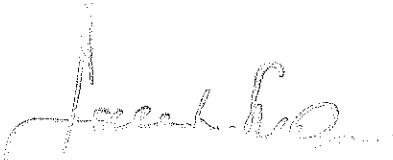
b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN-M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15461

- | | |
|--------------------------------------|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Surface water sources within the Fivemile Creek subbasin of Basin 85 |
| 3. Annual diversion volume | 211 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from surface water sources on Fivemile Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Fivemile Creek subbasin of Basin 85. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Fivemile Creek subbasin of Basin 85. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions | a. The Fivemile Creek subbasin of Basin 85 includes all lands draining into Fivemile Creek, which is a tributary to the |

**necessary for
definition or
administration of
this water right**

Clearwater River. The area included within the Fivemile Creek subbasin is depicted on a map entitled "Fivemile Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.


b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15462

- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
- 2. Source of water** Surface water sources within the Holes Creek subbasin of Basin 85
- 3. Annual diversion volume** 40 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from surface water sources on Holes Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Holes Creek subbasin of Basin 85.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Holes Creek subbasin of Basin 85.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions** a. The Holes Creek subbasin of Basin 85 includes all lands draining into Holes Creek, which is a tributary to Little

2007 JAN 30 PM 10 06
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

**necessary for
definition or
administration of
this water right**

Canyon Creek. The area included within the Holes Creek subbasin is depicted on a map entitled "Holes Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.

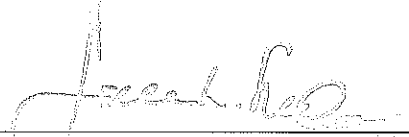
b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15545

- | | |
|--------------------------------------|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Surface water sources within the Jacks Creek subbasin of Basin 85 |
| 3. Annual diversion volume | 10 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from surface water sources on Jacks Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Jacks Creek subbasin of Basin 85. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Jacks Creek subbasin of Basin 85. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions | a. The Jacks Creek subbasin of Basin 85 includes all lands draining into Jacks Creek, which is a tributary to the |

2007 JAN 30 PM 10 06
DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED

**necessary for
definition or
administration of
this water right**

Clearwater River. The area included within the Jacks Creek subbasin is depicted on a map entitled "Jacks Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15546

- | | |
|--------------------------------------|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Surface water sources within the Lapwai Creek subbasin of Basin 85 |
| 3. Annual diversion volume | 1231 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from surface water sources on Lapwai Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Lapwai Creek subbasin of Basin 85. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Lapwai Creek subbasin of Basin 85. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions | a. The Lapwai Creek subbasin of Basin 85 includes all lands draining into Lapwai Creek, which is a tributary to the |

**necessary for
definition or
administration of
this water right**

Clearwater River. The area included within the Lapwai Creek subbasin is depicted on a map entitled "Lapwai Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.


b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15547

- | | |
|--------------------------------------|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Surface water sources within the Lawyer Creek subbasin of Basin 85 |
| 3. Annual diversion volume | 367 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from surface water sources on Lawyer Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Lawyer Creek subbasin of Basin 85. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Lawyer Creek subbasin of Basin 85. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions | a. The Lawyer Creek subbasin of Basin 85 includes all lands draining into Lawyer Creek, which is a tributary to the |

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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

**necessary for
definition or
administration of
this water right**

Clearwater River. The area included within the Lawyer Creek subbasin is depicted on a map entitled "Lawyer Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.

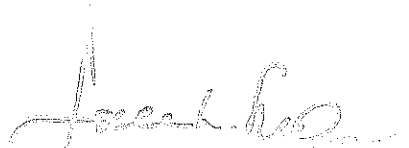
b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15548

- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
- 2. Source of water** Surface water sources within the Little Canyon Creek subbasin of Basin 85
- 3. Annual diversion volume** 918 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from surface water sources on Little Canyon Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Little Canyon Creek subbasin of Basin 85.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Little Canyon Creek subbasin of Basin 85.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions** a. The Little Canyon Creek subbasin of Basin 85 includes all lands draining into Little Canyon Creek, which is a

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
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**necessary for
definition or
administration of
this water right**

tributary to the Clearwater River. The area included within the Little Canyon Creek subbasin is depicted on a map entitled "Little Canyon Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.


b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15549

- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
- 2. Source of water** Surface water sources within the Long Hollow Creek subbasin of Basin 85
- 3. Annual diversion volume** 15 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from surface water sources on Long Hollow Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Long Hollow Creek subbasin of Basin 85.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Long Hollow Creek subbasin of Basin 85.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions** a. The Long Hollow Creek subbasin of Basin 85 includes all lands draining into Long Hollow Creek, which is a

**necessary for
definition or
administration of
this water right**

tributary to Little Canyon Creek. The area included within the Long Hollow Creek subbasin is depicted on a map entitled "Long Hollow Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15550

- | | |
|--------------------------------------|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Surface water sources within the Meadow Creek subbasin of Basin 85 |
| 3. Annual diversion volume | 19 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from surface water sources on Meadow Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Meadow Creek subbasin of Basin 85. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Meadow Creek subbasin of Basin 85. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions | a. The Meadow Creek subbasin of Basin 85 includes all lands draining into Meadow Creek, which is a tributary to |

**necessary for
definition or
administration of
this water right**

Lawyer Creek. The area included within the Meadow Creek subbasin is depicted on a map entitled "Meadow Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.

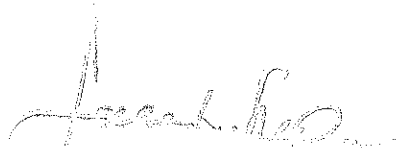
b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15551

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|--------------------------------------|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Surface water sources within the Mission Creek subbasin of Basin 85 |
| 3. Annual diversion volume | 220 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from surface water sources on Mission Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Mission Creek subbasin of Basin 85. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Mission Creek subbasin of Basin 85. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions | a. The Mission Creek subbasin of Basin 85 includes all lands draining into Mission Creek, which is a tributary to |

**necessary for
definition or
administration of
this water right**

Lapwai Creek. The area included within the Mission Creek subbasin is depicted on a map entitled "Mission Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.

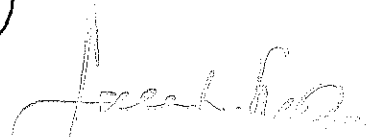
b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15552

- | | |
|--------------------------------------|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Surface water sources within the Posthole Canyon Creek subbasin of Basin 85 |
| 3. Annual diversion volume | 86 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from surface water sources on Posthole Canyon Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Posthole Canyon Creek subbasin of Basin 85. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Posthole Canyon Creek subbasin of Basin 85. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions | a. The Posthole Canyon Creek subbasin of Basin 85 includes all lands draining into Posthole Canyon Creek, which |

**necessary for
definition or
administration of
this water right**

is a tributary to Big Canyon Creek. The area included within the Posthole Canyon Creek subbasin is depicted on a map entitled "Posthole Canyon Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.

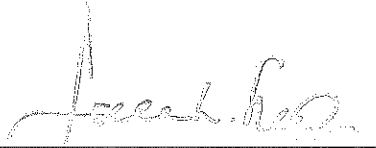
b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15553

2007 JUN 30 PM 10 07
FILED
TWIN FALLS CO., IDAHO
DISTRICT COURT - 5th JUDICIAL DISTRICT

- | | |
|--------------------------------------|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Surface water sources within the Red Rock Creek subbasin of Basin 85 |
| 3. Annual diversion volume | 65 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from surface water sources on Red Rock Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Red Rock Creek subbasin of Basin 85. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Red Rock Creek subbasin of Basin 85. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions | a. The Red Rock Creek subbasin of Basin 85 includes all lands draining into Red Rock Creek, which is a tributary to |

**necessary for
definition or
administration of
this water right**

Cottonwood Creek. The area included within the Red Rock Creek subbasin is depicted on a map entitled "Red Rock Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.

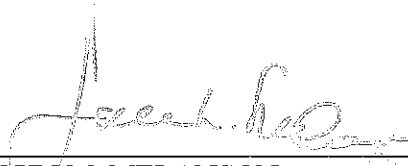
b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.

A handwritten signature in cursive script, appearing to read "John M. Melanson", written in dark ink.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15554

- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
- 2. Source of water** Surface water sources within the Rock Creek subbasin of Basin 85
- 3. Annual diversion volume** 244 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from surface water sources on Rock Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Rock Creek subbasin of Basin 85.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Rock Creek subbasin of Basin 85.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions** a. The Rock Creek subbasin of Basin 85 includes all lands draining into Rock Creek, which is a tributary to Lapwai

**necessary for
definition or
administration of
this water right**

Creek. The area included within the Rock Creek subbasin is depicted on a map entitled "Rock Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.


b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.

A handwritten signature in cursive script, appearing to read "John M. Melanson", written over a horizontal line.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15555

- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
- 2. Source of water** Surface water sources within the Sevenmile Creek subbasin of Basin 85
- 3. Annual diversion volume** 143 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from surface water sources on Sevenmile Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Sevenmile Creek subbasin of Basin 85.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Sevenmile Creek subbasin of Basin 85.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions**
 - a. The Sevenmile Creek subbasin of Basin 85 includes all lands draining into Sevenmile Creek, which is a tributary to

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2007 JAN 30 PM 10 07

**necessary for
definition or
administration of
this water right**

Lawyer Creek. The area included within the Sevenmile Creek subbasin is depicted on a map entitled "Sevenmile Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.

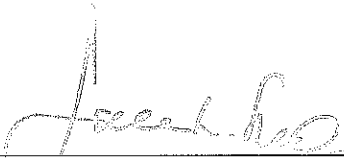
b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15556

2007 JAN 30 PM 3:07
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

- | | |
|--------------------------------------|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Surface water sources within the Sixmile Creek subbasin of Basin 85 |
| 3. Annual diversion volume | 206 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from surface water sources on Sixmile Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Sixmile Creek subbasin of Basin 85. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Sixmile Creek subbasin of Basin 85. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions | a. The Sixmile Creek subbasin of Basin 85 includes all lands draining into Sixmile Creek, which is a tributary to the |

**necessary for
definition or
administration of
this water right**

Clearwater River. The area included within the Sixmile Creek subbasin is depicted on a map entitled "Sixmile Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.


b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15557

- | | |
|--------------------------------------|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Surface water sources within the Sweetwater Creek subbasin of Basin 85 |
| 3. Annual diversion volume | 280 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from surface water sources on Sweetwater Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Sweetwater Creek subbasin of Basin 85. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Sweetwater Creek subbasin of Basin 85. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions | a. The Sweetwater Creek subbasin of Basin 85 includes all lands draining into Sweetwater Creek, which is a tributary |

**necessary for
definition or
administration of
this water right**

to Lapwai Creek. The area included within the Sweetwater Creek subbasin is depicted on a map entitled "Sweetwater Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.


b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15558

2007 JUN 30 PM 10 07
FILED
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

- | | |
|--------------------------------------|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Surface water sources within the Sweetwater Creek, East Fork subbasin of Basin 85 |
| 3. Annual diversion volume | 79 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from surface water sources on Sweetwater Creek, East Fork and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Sweetwater Creek, East Fork subbasin of Basin 85. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Sweetwater Creek, East Fork subbasin of Basin 85. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions | a. The Sweetwater Creek, East Fork subbasin of Basin 85 includes all lands draining into Sweetwater Creek, East Fork, |

**necessary for
definition or
administration of
this water right**

which is a tributary to Sweetwater Creek. The area included within the Sweetwater Creek, East Fork subbasin is depicted on a map entitled "Sweetwater Creek, East Fork subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.

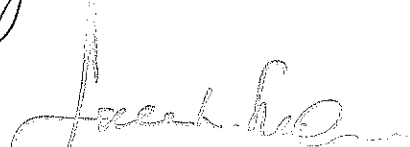
b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January 2007.

A handwritten signature in cursive script, appearing to read "John M. Melanson", written over a horizontal line.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15559

- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
- 2. Source of water** Surface water sources within the Sweetwater Creek, West Fork subbasin of Basin 85
- 3. Annual diversion volume** 3 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from surface water sources on Sweetwater Creek, West Fork and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Sweetwater Creek, West Fork subbasin of Basin 85.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Sweetwater Creek, West Fork subbasin of Basin 85.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions** a. The Sweetwater Creek, West Fork subbasin of Basin 85 includes all lands draining into Sweetwater Creek, West

**necessary for
definition or
administration of
this water right**

Fork, which is a tributary to Sweetwater Creek. The area included within the Sweetwater Creek, West Fork subbasin is depicted on a map entitled "Sweetwater Creek, West Fork subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.

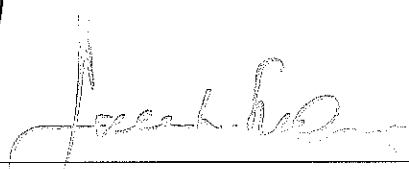
b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15560

- | | |
|--------------------------------------|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Surface water sources within the Threemile Creek subbasin of Basin 85 |
| 3. Annual diversion volume | 33 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from surface water sources on Threemile Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Threemile Creek subbasin of Basin 85. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Threemile Creek subbasin of Basin 85. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions | a. The Threemile Creek subbasin of Basin 85 includes all lands draining into Threemile Creek, which is a tributary to |

**necessary for
definition or
administration of
this water right**

the South Fork Clearwater River. The area included within the Threemile Creek subbasin is depicted on a map entitled "Threemile Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.


b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15561

- | | |
|--------------------------------------|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Surface water sources within the Tom Beall Creek subbasin of Basin 85 |
| 3. Annual diversion volume | 131 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from surface water sources on Tom Beall Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Tom Beall Creek subbasin of Basin 85. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Tom Beall Creek subbasin of Basin 85. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions | a. The Tom Beall Creek subbasin of Basin 85 includes all lands draining into Tom Beall Creek, which is a tributary to |

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
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**necessary for
definition or
administration of
this water right**

Lapwai Creek. The area included within the Tom Beall Creek subbasin is depicted on a map entitled "Tom Beall Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.

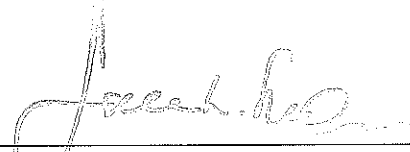
b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15562

- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
- 2. Source of water** Surface water sources within the Unnamed Creek (Big Canyon) subbasin of Basin 85
- 3. Annual diversion volume** 52 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from surface water sources on Unnamed Creek (Big Canyon) and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Unnamed Creek (Big Canyon) subbasin of Basin 85.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Unnamed Creek (Big Canyon) subbasin of Basin 85.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other**
 - a. The Unnamed Creek (Big Canyon) subbasin of Basin

**provisions
necessary for
definition or
administration of
this water right**

85 includes all lands draining into Unnamed Creek (Big Canyon), which is a tributary to Big Canyon Creek. The area included within the Unnamed Creek (Big Canyon) subbasin is depicted on a map entitled "Unnamed Creek (Big Canyon) subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.

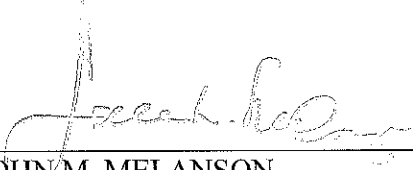
b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15563

- | | |
|--------------------------------------|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Surface water sources within the Unnamed Creek (Lawyer) subbasin of Basin 85 |
| 3. Annual diversion volume | 10 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from surface water sources on Unnamed Creek (Lawyer) and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Unnamed Creek (Lawyer) subbasin of Basin 85. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Unnamed Creek (Lawyer) subbasin of Basin 85. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions | a. The Unnamed Creek (Lawyer) subbasin of Basin 85 includes all lands draining into Unnamed Creek (Lawyer), |

**necessary for
definition or
administration of
this water right**

which is a tributary to Lawyer Creek. The area included within the Unnamed Creek (Lawyer) subbasin is depicted on a map entitled "Unnamed Creek (Lawyer) subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.


b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15564

- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
- 2. Source of water** Surface water sources within the Webb Creek subbasin of Basin 85
- 3. Annual diversion volume** 128 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from surface water sources on Webb Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Webb Creek subbasin of Basin 85.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Webb Creek subbasin of Basin 85.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions** a. The Webb Creek subbasin of Basin 85 includes all lands draining into Webb Creek, which is a tributary to

**necessary for
definition or
administration of
this water right**

Lapwai Creek. The area included within the Webb Creek subbasin is depicted on a map entitled "Webb Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.

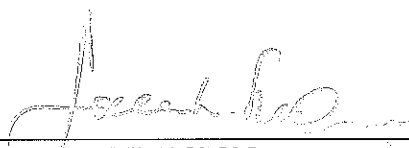
b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15565

- | | |
|--------------------------------------|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Surface water sources within the Willow Creek subbasin of Basin 85 |
| 3. Annual diversion volume | 62 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from surface water sources on Willow Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Willow Creek subbasin of Basin 85. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Willow Creek subbasin of Basin 85. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions | a. The Willow Creek subbasin of Basin 85 includes all lands draining into Willow Creek, which is a tributary to |

**necessary for
definition or
administration of
this water right**

Lawyer Creek. The area included within the Willow Creek subbasin is depicted on a map entitled "Willow Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January 2007.

A handwritten signature in cursive script, appearing to read "John M. Melanson", written over a horizontal line.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15566

- | | |
|---|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Ground water sources within the Big Canyon Creek subbasin of Basin 85 |
| 3. Annual diversion volume | 367 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from ground water sources within the Big Canyon Creek Subbasin of Basin 85. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Big Canyon Creek Subbasin of Basin 85. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions necessary for definition or administration of | a. The Big Canyon Creek Subbasin of Basin 85 includes all lands draining into Big Canyon Creek, which is a tributary to the Clearwater River. The area included within the Big Canyon Creek subbasin is depicted on a map entitled "Big Canyon Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho |

this water right

Department of Water Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.

A handwritten signature in cursive script, appearing to read "John M. Melanson", written in black ink.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15567

1. **Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
2. **Source of water** Ground water sources within the Cottonwood Creek (Clearwater) subbasin of Basin 85
3. **Annual diversion volume** 197 acre-feet per year (AFY)
4. **Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
5. **Priority date** June 11, 1855
6. **Points of diversion** Points of diversion may be developed from ground water sources within the Cottonwood Creek (Clearwater) Subbasin of Basin 85.
7. **Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
8. **Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
9. **Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Cottonwood Creek (Clearwater) Subbasin of Basin 85.
10. **Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
11. **Other provisions necessary for definition or administration of**
a. The Cottonwood Creek (Clearwater) Subbasin of Basin 85 includes all lands draining into Cottonwood Creek (Clearwater), which is a tributary to the Clearwater River. The area included within the Cottonwood Creek (Clearwater) subbasin is depicted on a map entitled "Cottonwood Creek (Clearwater) subbasin within IDWR

this water right

Basin 85,” on file with the Director of the Idaho Department of Water Resources.

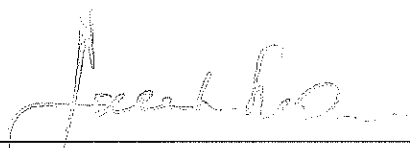
b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person’s water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board’s authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15568

- | | |
|---|--|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Ground water sources within the Cottonwood Creek (S.Fork Clearwater) subbasin of Basin 85 |
| 3. Annual diversion volume | 89 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from ground water sources within the Cottonwood Creek (S.Fork Clearwater) Subbasin of Basin 85. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Cottonwood Creek (S.Fork Clearwater) Subbasin of Basin 85. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions necessary for definition or | a. The Cottonwood Creek (S.Fork Clearwater) Subbasin of Basin 85 includes all lands draining into Cottonwood Creek (S.Fork Clearwater), which is a tributary to the South Fork Clearwater River. The area included within the Cottonwood Creek (S.Fork Clearwater) |

**administration of
this water right**

subbasin is depicted on a map entitled "Cottonwood Creek (S.Fork Clearwater) subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.


b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15569

- | | |
|--|--|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Ground water sources within the Effie Creek subbasin of Basin 85 |
| 3. Annual diversion volume | 30 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from ground water sources within the Effie Creek Subbasin of Basin 85. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Effie Creek Subbasin of Basin 85. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions necessary for definition or administration of this water right | <p>a. The Effie Creek Subbasin of Basin 85 includes all lands draining into Effie Creek, which is a tributary to the Clearwater River. The area included within the Effie Creek subbasin is depicted on a map entitled "Effie Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.</p> <p>b. Notwithstanding the Priority Date of this water right, the Tribe</p> |

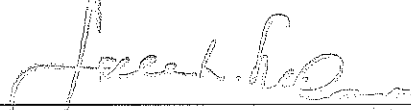
and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.

A handwritten signature in cursive script, appearing to read "John M. Melanson", written over a horizontal line.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15570

- | | |
|--|--|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Ground water sources within the Fivemile Creek subbasin of Basin 85 |
| 3. Annual diversion volume | 44 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from ground water sources within the Fivemile Creek Subbasin of Basin 85. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Fivemile Creek Subbasin of Basin 85. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions necessary for definition or administration of this water right | a. The Fivemile Creek Subbasin of Basin 85 includes all lands draining into Fivemile Creek, which is a tributary to the Clearwater River. The area included within the Fivemile Creek subbasin is depicted on a map entitled "Fivemile Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources. |

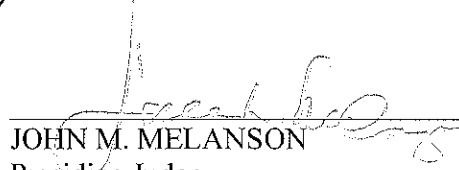
b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15571

- | | |
|--|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Ground water sources within the Holes Creek subbasin of Basin 85 |
| 3. Annual diversion volume | 48 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from ground water sources within the Holes Creek Subbasin of Basin 85. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Holes Creek Subbasin of Basin 85. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions necessary for definition or administration of this water right | <p>a. The Holes Creek Subbasin of Basin 85 includes all lands draining into Holes Creek, which is a tributary to Little Canyon Creek. The area included within the Holes Creek subbasin is depicted on a map entitled "Holes Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.</p> <p>b. Notwithstanding the Priority Date of this water right, the Tribe</p> |

and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15572

1. **Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
2. **Source of water** Ground water sources within the Jacks Creek subbasin of Basin 85
3. **Annual diversion volume** 7 acre-feet per year (AFY)
4. **Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
5. **Priority date** June 11, 1855
6. **Points of diversion** Points of diversion may be developed from ground water sources within the Jacks Creek Subbasin of Basin 85.
7. **Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
8. **Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
9. **Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Jacks Creek Subbasin of Basin 85.
10. **Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
11. **Other provisions necessary for definition or administration of this water right**
- a. The Jacks Creek Subbasin of Basin 85 includes all lands draining into Jacks Creek, which is a tributary to the Clearwater River. The area included within the Jacks Creek subbasin is depicted on a map entitled "Jacks Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.
 - b. Notwithstanding the Priority Date of this water right, the Tribe

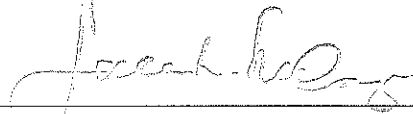
and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.

A handwritten signature in cursive script, appearing to read "John M. Melanson", written over a horizontal line.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15573

- | | |
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| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Ground water sources within the Lapwai Creek subbasin of Basin 85 |
| 3. Annual diversion volume | 457 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from ground water sources within the Lapwai Creek Subbasin of Basin 85. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Lapwai Creek Subbasin of Basin 85. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions necessary for definition or administration of this water right | a. The Lapwai Creek Subbasin of Basin 85 includes all lands draining into Lapwai Creek, which is a tributary to the Clearwater River. The area included within the Lapwai Creek subbasin is depicted on a map entitled "Lapwai Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources. |

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15574

- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
- 2. Source of water** Ground water sources within the Lawyer Creek subbasin of Basin 85
- 3. Annual diversion volume** 285 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from ground water sources within the Lawyer Creek Subbasin of Basin 85.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Lawyer Creek Subbasin of Basin 85.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions necessary for definition or administration of this water right**
a. The Lawyer Creek Subbasin of Basin 85 includes all lands draining into Lawyer Creek, which is a tributary to the Clearwater River. The area included within the Lawyer Creek subbasin is depicted on a map entitled "Lawyer Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15575

- | | |
|---|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Ground water sources within the Little Canyon Creek subbasin of Basin 85 |
| 3. Annual diversion volume | 5 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from ground water sources within the Little Canyon Creek Subbasin of Basin 85. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Little Canyon Creek Subbasin of Basin 85. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions necessary for definition or administration of | a. The Little Canyon Creek Subbasin of Basin 85 includes all lands draining into Little Canyon Creek, which is a tributary to the Clearwater River. The area included within the Little Canyon Creek subbasin is depicted on a map entitled "Little Canyon Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho |

this water right

Department of Water Resources.

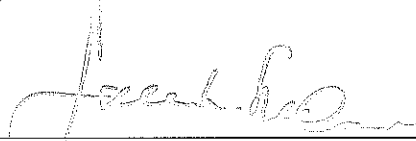
b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.

A handwritten signature in cursive script, appearing to read "John M. Melanson", written over a horizontal line.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15576

1. **Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
2. **Source of water** Ground water sources within the Long Hollow Creek subbasin of Basin 85
3. **Annual diversion volume** 18 acre-feet per year (AFY)
4. **Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
5. **Priority date** June 11, 1855
6. **Points of diversion** Points of diversion may be developed from ground water sources within the Long Hollow Creek Subbasin of Basin 85.
7. **Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
8. **Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
9. **Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Long Hollow Creek Subbasin of Basin 85.
10. **Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
11. **Other provisions necessary for definition or administration of**
a. The Long Hollow Creek Subbasin of Basin 85 includes all lands draining into Long Hollow Creek, which is a tributary to Little Canyon Creek. The area included within the Long Hollow Creek subbasin is depicted on a map entitled "Long Hollow Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho

this water right

Department of Water Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January 2007.

A handwritten signature in cursive script, appearing to read "John M. Melanson", written in dark ink.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15577

- | | |
|--|--|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Ground water sources within the Meadow Creek subbasin of Basin 85 |
| 3. Annual diversion volume | 56 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from ground water sources within the Meadow Creek Subbasin of Basin 85. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Meadow Creek Subbasin of Basin 85. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions necessary for definition or administration of this water right | <p>a. The Meadow Creek Subbasin of Basin 85 includes all lands draining into Meadow Creek, which is a tributary to Lawyer Creek. The area included within the Meadow Creek subbasin is depicted on a map entitled "Meadow Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.</p> <p>b. Notwithstanding the Priority Date of this water right, the Tribe</p> |

and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January 2007.

A handwritten signature in cursive script, appearing to read "John M. Melanson", written over a horizontal line.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15578

DISTRICT COURT - 5th JUD
TWIN FALLS CO., IDAHO
FILED
2007 JAN 30 PM 10:10

- | | |
|--|--|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Ground water sources within the Mission Creek subbasin of Basin 85 |
| 3. Annual diversion volume | 138 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from ground water sources within the Mission Creek Subbasin of Basin 85. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Mission Creek Subbasin of Basin 85. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions necessary for definition or administration of this water right | <p>a. The Mission Creek Subbasin of Basin 85 includes all lands draining into Mission Creek, which is a tributary to Lapwai Creek. The area included within the Mission Creek subbasin is depicted on a map entitled "Mission Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.</p> <p>b. Notwithstanding the Priority Date of this water right, the Tribe</p> |


and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLES

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15579

2007 JUN 30 10 10 AM
FILED
TWIN FALLES CO., IDAHO
DISTRICT COURT - 5th JUDICIAL DISTRICT

- | | |
|---|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Ground water sources within the Posthole Canyon Creek subbasin of Basin 85 |
| 3. Annual diversion volume | 72 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from ground water sources within the Posthole Canyon Creek Subbasin of Basin 85. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Posthole Canyon Creek Subbasin of Basin 85. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions necessary for definition or administration of | a. The Posthole Canyon Creek Subbasin of Basin 85 includes all lands draining into Posthole Canyon Creek, which is a tributary to Big Canyon Creek. The area included within the Posthole Canyon Creek subbasin is depicted on a map entitled "Posthole Canyon Creek subbasin within IDWR Basin 85," on file with the Director of the |

this water right

Idaho Department of Water Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.

A handwritten signature in cursive script, appearing to read "John M. Melanson", written over a horizontal line.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15580

- | | |
|---|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Ground water sources within the Red Rock Creek subbasin of Basin 85 |
| 3. Annual diversion volume | 59 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from ground water sources within the Red Rock Creek Subbasin of Basin 85. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Red Rock Creek Subbasin of Basin 85. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions necessary for definition or administration of | a. The Red Rock Creek Subbasin of Basin 85 includes all lands draining into Red Rock Creek, which is a tributary to Cottonwood Creek. The area included within the Red Rock Creek subbasin is depicted on a map entitled "Red Rock Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water |

this water right

Resources.


b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15581

- | | |
|--|--|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Ground water sources within the Rock Creek subbasin of Basin 85 |
| 3. Annual diversion volume | 29 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from ground water sources within the Rock Creek Subbasin of Basin 85. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Rock Creek Subbasin of Basin 85. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions necessary for definition or administration of this water right | <p>a. The Rock Creek Subbasin of Basin 85 includes all lands draining into Rock Creek, which is a tributary to Lapwai Creek. The area included within the Rock Creek subbasin is depicted on a map entitled "Rock Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.</p> <p>b. Notwithstanding the Priority Date of this water right, the Tribe</p> |

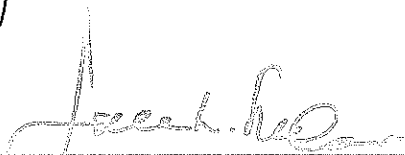
and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January 2007.

A handwritten signature in cursive script, appearing to read "John M. Melanson", written over a horizontal line.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15582

1. **Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
2. **Source of water** Ground water sources within the Sevenmile Creek subbasin of Basin 85
3. **Annual diversion volume** 79 acre-feet per year (AFY)
4. **Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
5. **Priority date** June 11, 1855
6. **Points of diversion** Points of diversion may be developed from ground water sources within the Sevenmile Creek Subbasin of Basin 85.
7. **Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
8. **Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
9. **Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Sevenmile Creek Subbasin of Basin 85.
10. **Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
11. **Other provisions necessary for definition or administration of**
a. The Sevenmile Creek Subbasin of Basin 85 includes all lands draining into Sevenmile Creek, which is a tributary to Lawyer Creek. The area included within the Sevenmile Creek subbasin is depicted on a map entitled "Sevenmile Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water

this water right

Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.

A handwritten signature in cursive script, appearing to read "John M. Melanson", written over a horizontal line.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15583

- | | |
|--|--|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Ground water sources within the Sixmile Creek subbasin of Basin 85 |
| 3. Annual diversion volume | 88 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from ground water sources within the Sixmile Creek Subbasin of Basin 85. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Sixmile Creek Subbasin of Basin 85. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions necessary for definition or administration of this water right | a. The Sixmile Creek Subbasin of Basin 85 includes all lands draining into Sixmile Creek, which is a tributary to the Clearwater River. The area included within the Sixmile Creek subbasin is depicted on a map entitled "Sixmile Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources. |


b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15584

FILED
TWIN FALLS CO., IDAHO
DISTRICT COURT - AREA
2007 JAN 30 PM 10 10

- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
- 2. Source of water** Ground water sources within the Sweetwater Creek subbasin of Basin 85
- 3. Annual diversion volume** 98 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from ground water sources within the Sweetwater Creek Subbasin of Basin 85.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Sweetwater Creek Subbasin of Basin 85.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions necessary for definition or administration of**
 - a. The Sweetwater Creek Subbasin of Basin 85 includes all lands draining into Sweetwater Creek, which is a tributary to Lapwai Creek. The area included within the Sweetwater Creek subbasin is depicted on a map entitled "Sweetwater Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water

this water right

Resources.

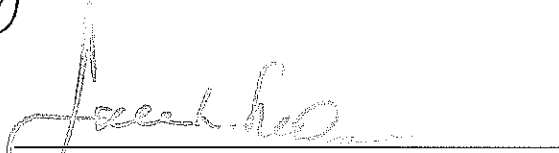
b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15585

2007 JAN 30 PM 10 10
FILED
DISTRICT COURT - 5TH JUDICIAL DISTRICT
TWIN FALLS CO., IDAHO

- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
- 2. Source of water** Ground water sources within the Sweetwater Creek, East Fork subbasin of Basin 85
- 3. Annual diversion volume** 89 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from ground water sources within the Sweetwater Creek, East Fork Subbasin of Basin 85.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Sweetwater Creek, East Fork Subbasin of Basin 85.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions necessary for definition or administration of**
 - a. The Sweetwater Creek, East Fork Subbasin of Basin 85 includes all lands draining into Sweetwater Creek, East Fork, which is a tributary to Sweetwater Creek. The area included within the Sweetwater Creek, East Fork subbasin is depicted on a map entitled "Sweetwater Creek, East Fork subbasin within IDWR Basin 85," on

this water right

file with the Director of the Idaho Department of Water Resources.


b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15586

FILED
TWIN FALLS CO., IDAHO
DISTRICT COURT - 5TH JUDICIAL DISTRICT
2007 JAN 30 PM 10 10

- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
- 2. Source of water** Ground water sources within the Sweetwater Creek, West Fork subbasin of Basin 85
- 3. Annual diversion volume** 35 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from ground water sources within the Sweetwater Creek, West Fork Subbasin of Basin 85.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Sweetwater Creek, West Fork Subbasin of Basin 85.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions necessary for definition or administration of**
 - a. The Sweetwater Creek, West Fork Subbasin of Basin 85 includes all lands draining into Sweetwater Creek, West Fork, which is a tributary to Sweetwater Creek. The area included within the Sweetwater Creek, West Fork subbasin is depicted on a map entitled "Sweetwater Creek, West Fork subbasin within IDWR Basin 85," on

this water right

file with the Director of the Idaho Department of Water Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.

A handwritten signature in cursive script, appearing to read "John M. Melanson", written over a horizontal line.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15587

2007 JAN 30 PM 10 11
DISTRICT COURT - 5th JUDICIAL DISTRICT
TWIN FALLS CO., IDAHO
FILED

- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
- 2. Source of water** Ground water sources within the Threemile Creek subbasin of Basin 85
- 3. Annual diversion volume** 8 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from ground water sources within the Threemile Creek Subbasin of Basin 85.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Threemile Creek Subbasin of Basin 85.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions necessary for definition or administration of**
 - a. The Threemile Creek Subbasin of Basin 85 includes all lands draining into Threemile Creek, which is a tributary to the South Fork Clearwater River. The area included within the Threemile Creek subbasin is depicted on a map entitled "Threemile Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho

this water right

Department of Water Resources.


b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15588

CLERK OF DISTRICT COURT
TWIN FALLS CO, IDAHO
FILED
2007 JAN 30 PM 10 11

- | | |
|---|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Ground water sources within the Tom Beall Creek subbasin of Basin 85 |
| 3. Annual diversion volume | 145 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from ground water sources within the Tom Beall Creek Subbasin of Basin 85. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Tom Beall Creek Subbasin of Basin 85. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions necessary for definition or administration of | a. The Tom Beall Creek Subbasin of Basin 85 includes all lands draining into Tom Beall Creek, which is a tributary to Lapwai Creek. The area included within the Tom Beall Creek subbasin is depicted on a map entitled "Tom Beall Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water |

this water right

Resources.


b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15589

DISTRICT COURT - 5th JUDICIAL DISTRICT
TWIN FALLS CO., IDAHO
FILED
2007 JAN 30 PM 10 11

- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
- 2. Source of water** Ground water sources within the Unnamed Creek (Big Canyon) subbasin of Basin 85
- 3. Annual diversion volume** 26 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from ground water sources within the Unnamed Creek (Big Canyon) Subbasin of Basin 85.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Unnamed Creek (Big Canyon) Subbasin of Basin 85.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions necessary for definition or administration of**
 - a. The Unnamed Creek (Big Canyon) Subbasin of Basin 85 includes all lands draining into Unnamed Creek (Big Canyon), which is a tributary to Big Canyon Creek. The area included within the Unnamed Creek (Big Canyon) subbasin is depicted on a map entitled "Unnamed Creek (Big Canyon) subbasin within IDWR Basin 85," on

this water right

file with the Director of the Idaho Department of Water Resources.


b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15590

- | | |
|---|--|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Ground water sources within the Unnamed Creek (Lawyer) subbasin of Basin 85 |
| 3. Annual diversion volume | 7 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from ground water sources within the Unnamed Creek (Lawyer) Subbasin of Basin 85. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Unnamed Creek (Lawyer) Subbasin of Basin 85. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions necessary for definition or administration of | a. The Unnamed Creek (Lawyer) Subbasin of Basin 85 includes all lands draining into Unnamed Creek (Lawyer), which is a tributary to Lawyer Creek. The area included within the Unnamed Creek (Lawyer) subbasin is depicted on a map entitled "Unnamed Creek (Lawyer) subbasin within IDWR Basin 85," on file with the Director |

this water right

of the Idaho Department of Water Resources.


b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15591

- | | |
|--|--|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Ground water sources within the Webb Creek subbasin of Basin 85 |
| 3. Annual diversion volume | 34 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from ground water sources within the Webb Creek Subbasin of Basin 85. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Webb Creek Subbasin of Basin 85. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions necessary for definition or administration of this water right | <p>a. The Webb Creek Subbasin of Basin 85 includes all lands draining into Webb Creek, which is a tributary to Lapwai Creek. The area included within the Webb Creek subbasin is depicted on a map entitled "Webb Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.</p> <p>b. Notwithstanding the Priority Date of this water right, the Tribe</p> |


and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15592

2007 JAN 30 PM 10 11
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
- 2. Source of water** Ground water sources within the Willow Creek subbasin of Basin 85
- 3. Annual diversion volume** 52 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from ground water sources within the Willow Creek Subbasin of Basin 85.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Willow Creek Subbasin of Basin 85.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions necessary for definition or administration of this water right**
 - a. The Willow Creek Subbasin of Basin 85 includes all lands draining into Willow Creek, which is a tributary to Lawyer Creek. The area included within the Willow Creek subbasin is depicted on a map entitled "Willow Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.
 - b. Notwithstanding the Priority Date of this water right, the Tribe

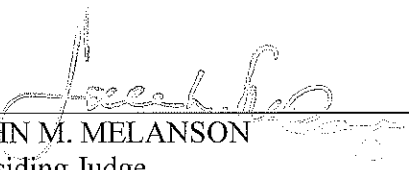
and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15593

- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
- 2. Source of water** Those portions of the Clearwater River included within the Idaho Department of Water Resources Administrative Basin No. 85 and groundwater sources hydrologically connected thereto.
- 3. Annual diversion volume** 11745 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed to serve lands reserved in the Treaty of June 9, 1863 that are, at the time of use, held in tribal trust or tribal fee, or allotted lands held in trust or under restrictions against alienation
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Lands reserved in the Treaty of June 9, 1863 that are, at the time of use, held in tribal trust or tribal fee, or allotted lands held in trust or under restrictions against alienation.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions**
 - a. For groundwater wells in the vicinity of the Clearwater River, a hydrological connection to the Clearwater River is

**necessary for
definition or
administration of
this water right**

presumed when well levels respond to changes in the flow of the Clearwater River. Further, wells within 500 feet of the ordinary high water mark or within 200 feet of the 100-year flood plain of the Clearwater River and drilled and sealed to a depth below the bed of the Clearwater River are presumed to be connected to the Clearwater River. These presumptions do not preclude demonstration of a hydrological connection using other methods.

b. For groundwater wells in the Lapwai Creek subbasin in or north of the town of Lapwai, and in that section of the Tom Beall Creek subbasin that is within Section 35, Township 36N, Range 4W, there is a presumption that the well is hydrologically connected to the Clearwater River when well levels respond to changes in the flow of the Clearwater River. Further, for wells in the Lapwai Creek valley north of the town of Lapwai, wells are presumed to be connected to the Clearwater River when the well is drilled to at least the following depths, expressed as elevation above mean sea level, and physically sealed in a manner to prevent drawing from any aquifer above the specified depth:

Well location (all within Township 36N, Range 4W, Boise Meridian)	Well depth (MSL)
South of the Clearwater River and north of a line running between the NE corner of the NW¼ NW¼ SW¼ Section 23 and the NW corner of the SW¼ SW¼ Section 22	700 feet
South of a line running between the NE corner of the NW¼ NW¼ SW¼ Section 23 and the NW corner of the SW¼ SW¼ Section 22 and north of the southernmost quarter-quarter sections of sections 22 and 23	550 feet
Within the southernmost quarter-quarter sections of Sections 22 and 23	500 feet
Within Sections 26 and 27	475 feet
Within Section 35	450 feet

These presumptions do not preclude demonstration of a hydrological connection using other methods.


c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion to other water sources shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Point of Diversion. Any such proposed changes in Points of Diversion will be jointly reviewed by an intergovernmental board consisting of

one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15594

2007 JAN 30 PM 10 11
FILED
TWIN FALLS CO., IDAHO
DISTRICT COURT - 5th JUDICIAL DISTRICT

- | | |
|---|--|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Ground water sources within the Clearwater River subbasin of Basin 85 that are not hydrologically connected with the Clearwater River. |
| 3. Annual diversion volume | 435 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from ground water sources within the Clearwater River subbasin of Basin 85. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Clearwater River subbasin of Basin 85. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions necessary for definition or administration of | a. Clearwater River subbasin of Basin 85 includes all lands draining into Clearwater River. The area included within this subbasin is depicted on a map entitled "Clearwater River subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources. |

this water right

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. To the extent that groundwater sources within the Clearwater River subbasin of Basin 85 are hydrologically connected to the Clearwater River, diversions from those sources shall be considered to be exercise of water right 85-15593 and not a part of this water right. The presumptions regarding connectivity in water right 85-15593 apply to determinations of whether a diversion is part of this water right.

d. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the ground water resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other ground water users.

e. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.

A handwritten signature in cursive script, appearing to read "John M. Melanson", written over a horizontal line.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15595

FILED
2007 JUN 30 PM 10 11
DISTRICT COURT - 5TH
TWIN FALLS CO., IDAHO

- | | |
|--------------------------------------|--|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Those portions of the South Fork Clearwater River included within the Idaho Department of Water Resources Administrative Basin No. 85 and groundwater sources hydrologically connected thereto. |
| 3. Annual diversion volume | 2567 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed to serve lands reserved in the Treaty of June 9, 1863 that are, at the time of use, held in tribal trust or tribal fee, or allotted lands held in trust or under restrictions against alienation. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Lands reserved in the Treaty of June 9, 1863 that are, at the time of use, held in tribal trust or tribal fee, or allotted lands held in trust or under restrictions against alienation. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions | a. For groundwater wells in the vicinity of the South Fork Clearwater River, a hydrological connection to the South Fork |

**necessary for
definition or
administration of
this water right**


Clearwater River is presumed when well levels respond to changes in the flow of the South Fork Clearwater River. These presumptions do not preclude demonstration of a hydrological connection using other methods.

b. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

c. Notwithstanding the Priority Date of this water right, changes in Points of Diversion to other water sources shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Point of Diversion. Any such proposed changes in Points of Diversion will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15596

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2007 JAN 30 PM 10 12

1. **Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
2. **Source of water** Ground water sources within the South Fork Clearwater River Subbasin of Basin 85 that are not hydrologically connected with the South Fork Clearwater River.
3. **Annual diversion volume** 114 acre-feet per year (AFY)
4. **Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
5. **Priority date** June 11, 1855
6. **Points of diversion** Points of diversion may be developed from ground water sources within the South Fork Clearwater River Subbasin of Basin 85.
7. **Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
8. **Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
9. **Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the South Fork Clearwater River Subbasin of Basin 85.
10. **Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
11. **Other provisions necessary for definition or administration of**
 - a. The South Fork Clearwater River Subbasin of Basin 85 includes all lands draining into the South Fork Clearwater River, which is a tributary to the mainstem Clearwater River. The area included within this subbasin is depicted on a map entitled "South Fork Clearwater River subbasin within IDWR Basin 85," on file

this water right

with the Director of the Idaho Department of Water Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.


c. To the extent that groundwater sources within the South Fork Clearwater River Subbasin of Basin 85 are hydrologically connected to the South Fork Clearwater River, diversions from those sources shall be considered to be exercise of water right 85-15595 and not a part of this water right. The presumptions regarding connectivity in water right 85-15595 apply to determinations of whether a diversion is part of this water right.

d. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the ground water resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other ground water users.

e. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15597

DISTRICT COURT - 508A
TWIN FALLS CO., IDAHO
FILED
2007 JAN 30 AM 10:12

- | | |
|--|--|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Ground water sources within the Sweetwater Creek Subbasin of Basin 85 |
| 3. Annual diversion volume | 290 acre-feet per year (AFY) |
| 4. Diversion rate | Not to exceed 4 cfs |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from ground water sources within the Sweetwater Creek Subbasin of Basin 85 |
| 7. Purpose of use | Fish propagation purposes. |
| 8. Period of use | January 1 to December 31. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Sweetwater Creek Subbasin of Basin 85. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions necessary for definition or administration of this water right | <p>a. The Sweetwater Creek Subbasin of Basin 85 includes all lands draining into Sweetwater Creek, a tributary of Lapwai Creek. The area included within the Sweetwater Creek Subbasin of Basin 85 is depicted on a map entitled "Sweetwater Creek subbasin within IDWR Basin 85," on file with the Director of the Idaho Department of Water Resources.</p> <p>b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a</p> |

manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

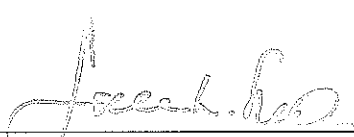
c. The purpose of this water right is for fish propagation purposes. The consumptive use of this water right is limited to evaporation and leakage from fish propagation facilities and shall not exceed 5% of the volume of water diverted. Return flows from this water right shall be returned to Sweetwater Creek.

d. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

e. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15627

- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
- 2. Source of water** Lapwai Creek
- 3. Annual diversion volume** 5.5 acre-feet per year
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from surface water sources on Lapwai Creek
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code
- 9. Place of use** Lands within Township 36 North, Range 4 West, Sections 26 & 27 that are also within Allotment 717 as designated by the Bureau of Indian Affairs, so long as such lands are held in tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions necessary for**
 - a. This water right was originally decreed in *Siegrist v. Lewiston-Sweetwater Irrigation Co.*, No. 421 (D.Idaho, June 12, 1916).

FILED
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
2007 JUN 30 PM 10 12

**definition or
administration of
this water right**


b. Water right 85-15546 may be used to provide additional water, if any, necessary to serve the place of use described in this water right.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Places of Use. Any proposed changes in Points of Diversion or Places of Use will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15628

2007 JAN 30 PM 10 12
FILED
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

- | | |
|---|--|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Lapwai Creek |
| 3. Annual diversion volume | 1.7 acre-feet per year |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from surface water sources on Lapwai Creek |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code |
| 9. Place of use | Lands within Township 36 North, Range 4 West, Sections 22 & 27 that are also within Allotment 606 as designated by the Bureau of Indian Affairs, so long as such lands are held in tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions necessary for | a. This water right was originally decreed in <i>Siegrist v. Lewiston-Sweetwater Irrigation Co.</i> , No. 421 (D.Idaho, June 12, 1916). |

**definition or
administration of
this water right**

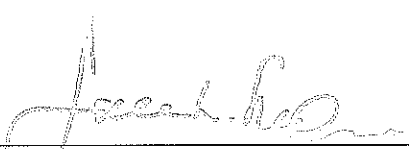
b. Water right 85-15546 may be used to provide additional water, if any, necessary to serve the place of use described in this water right.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Places of Use. Any proposed changes in Points of Diversion or Places of Use will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15629

2007 JUN 30 PM 10 12
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

- | | |
|---|--|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Sweetwater Creek |
| 3. Annual diversion volume | 1.8 acre-feet per year |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from surface water sources on Sweetwater Creek |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code |
| 9. Place of use | Lands within Township 35 North, Range 4 West, Section 23 that are also within Allotment 314 as designated by the Bureau of Indian Affairs, so long as such lands are held in tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions necessary for | a. This water right was originally decreed in <i>Siegrist v. Lewiston-Sweetwater Irrigation Co.</i> , No. 421 (D.Idaho, June 12, 1916). |

**definition or
administration of
this water right**

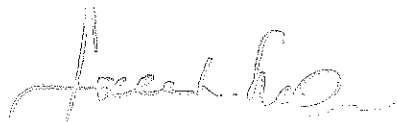
b. Water right 85-15557 may be used to provide additional water, if any, necessary to serve the place of use described in this water right.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Places of Use. Any proposed changes in Points of Diversion or Places of Use will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15630

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2007 JAN 30 PM 10 42

- | | |
|---|--|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Sweetwater Creek |
| 3. Annual diversion volume | 5.3 acre-feet per year |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from surface water sources on Sweetwater Creek |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code |
| 9. Place of use | Lands within Township 35 North, Range 4 West, Section 23 that are also within Allotment 342 as designated by the Bureau of Indian Affairs, so long as such lands are held in tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions necessary for | a. This water right was originally decreed in <i>Siegrist v. Lewiston-Sweetwater Irrigation Co.</i> , No. 421 (D.Idaho, June 12, 1916). |

**definition or
administration of
this water right**

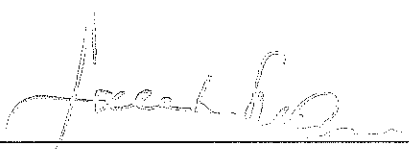
b. Water right 85-15557 may be used to provide additional water, if any, necessary to serve the place of use described in this water right.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Places of Use. Any proposed changes in Points of Diversion or Places of Use will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15631

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2007 JAN 30 AM 10 12

- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
- 2. Source of water** Sweetwater Creek
- 3. Annual diversion volume** 1.7 acre-feet per year
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from surface water sources on Sweetwater Creek
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code
- 9. Place of use** Lands within Township 35 North, Range 4 West, Section 23 that are also within Allotment 343 as designated by the Bureau of Indian Affairs, so long as such lands are held in tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions necessary for**
 - a. This water right was originally decreed in *Siegrist v. Lewiston-Sweetwater Irrigation Co.*, No. 421 (D.Idaho, June 12, 1916).

**definition or
administration of
this water right**

b. Water right 85-15557 may be used to provide additional water, if any, necessary to serve the place of use described in this water right.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Places of Use. Any proposed changes in Points of Diversion or Places of Use will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 85-15632

1. **Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
2. **Source of water** Sweetwater Creek
3. **Annual diversion volume** 5.2 acre-feet per year
4. **Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
5. **Priority date** June 11, 1855
6. **Points of diversion** Points of diversion may be developed from surface water sources on Sweetwater Creek
7. **Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code
8. **Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code
9. **Place of use** Lands within Township 35 North, Range 4 West, Section 23 that are also within Allotment 344 as designated by the Bureau of Indian Affairs, so long as such lands are held in tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation
10. **Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
11. **Other provisions necessary for**
 - a. This water right was originally decreed in *Siegrist v. Lewiston-Sweetwater Irrigation Co.*, No. 421 (D.Idaho, June 12, 1916).

2007 JAN 30 PM 10 12
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

**definition or
administration of
this water right**


b. Water right 85-15557 may be used to provide additional water, if any, necessary to serve the place of use described in this water right.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Places of Use. Any proposed changes in Points of Diversion or Places of Use will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 86-11926

- | | |
|--------------------------------------|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Surface water sources within the Bedrock Creek subbasin of Basin 86 |
| 3. Annual diversion volume | 594 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from surface water sources on Bedrock Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Bedrock Creek subbasin of Basin 86. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Bedrock Creek subbasin of Basin 86. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions | a. The Bedrock Creek subbasin of Basin 86 includes all lands draining into Bedrock Creek, which is a tributary to the |

**necessary for
definition or
administration of
this water right**

Clearwater River. The area included within the Bedrock Creek subbasin is depicted on a map entitled "Bedrock Creek subbasin within IDWR Basin 86," on file with the Director of the Idaho Department of Water Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 86-11946

2017 JAN 30 9:10 12
FILED
DISTRICT COURT - SRBA
TWIN FALLS CO, IDAHO

- | | |
|--------------------------------------|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Surface water sources within the Hatwai Creek subbasin of Basin 86 |
| 3. Annual diversion volume | 10 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from surface water sources on Hatwai Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Hatwai Creek subbasin of Basin 86. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Hatwai Creek subbasin of Basin 86. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions | a. The Hatwai Creek subbasin of Basin 86 includes all lands draining into Hatwai Creek, which is a tributary to the |

**necessary for
definition or
administration of
this water right**

Clearwater River. The area included within the Hatwai Creek subbasin is depicted on a map entitled "Hatwai Creek subbasin within IDWR Basin 86," on file with the Director of the Idaho Department of Water Resources.


b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.

A handwritten signature in cursive script, appearing to read "John M. Melanson", written over a horizontal line.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 86-11947

2007 JUN 30 PM 10 13
FILED
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
- 2. Source of water** Surface water sources within the Little Potlatch Creek subbasin of Basin 86
- 3. Annual diversion volume** 61 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from surface water sources on Little Potlatch Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Little Potlatch Creek subbasin of Basin 86.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Little Potlatch Creek subbasin of Basin 86.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions**
 - a. The Little Potlatch Creek subbasin of Basin 86 includes all lands draining into Little Potlatch Creek, which is a

**necessary for
definition or
administration of
this water right**

tributary to the Clearwater River. The area included within the Little Potlatch Creek subbasin is depicted on a map entitled "Little Potlatch Creek subbasin within IDWR Basin 86," on file with the Director of the Idaho Department of Water Resources.

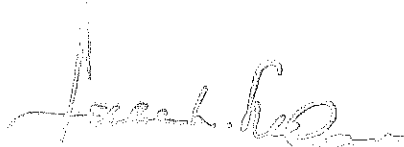
b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 86-11948

- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
- 2. Source of water** Surface water sources within the Pine Creek subbasin of Basin 86
- 3. Annual diversion volume** 9 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from surface water sources on Pine Creek and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Pine Creek subbasin of Basin 86.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Pine Creek subbasin of Basin 86.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions**
 - a. The Pine Creek subbasin of Basin 86 includes all lands draining into Pine Creek, which is a tributary to the

**necessary for
definition or
administration of
this water right**

Clearwater River. The area included within the Pine Creek subbasin is depicted on a map entitled "Pine Creek subbasin within IDWR Basin 86," on file with the Director of the Idaho Department of Water Resources.


b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 86-11949

- | | |
|--------------------------------------|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Surface water sources within the Potlatch River subbasin of Basin 86 |
| 3. Annual diversion volume | 1227 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from surface water sources on Potlatch River and on tributary streams adjacent to tribal trust, tribal fee, or allotted land within the Potlatch River subbasin of Basin 86. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Potlatch River subbasin of Basin 86. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions | a. The Potlatch River subbasin of Basin 86 includes all lands draining into Potlatch River, which is a tributary to the |

**necessary for
definition or
administration of
this water right**

Clearwater River. The area included within the Potlatch River subbasin is depicted on a map entitled "Potlatch River subbasin within IDWR Basin 86," on file with the Director of the Idaho Department of Water Resources.


b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 86-11950

FILED
JAN 30 AM 10:13
TWIN FALLS CO., IDAHO
DISTRICT COURT - SRBA

- | | |
|--|--|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Ground water sources within the Bedrock Creek subbasin of Basin 86 |
| 3. Annual diversion volume | 56 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from ground water sources within the Bedrock Creek Subbasin of Basin 86. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Bedrock Creek Subbasin of Basin 86. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions necessary for definition or administration of this water right | a. The Bedrock Creek Subbasin of Basin 86 includes all lands draining into Bedrock Creek, which is a tributary to the Clearwater River. The area included within the Bedrock Creek subbasin is depicted on a map entitled "Bedrock Creek subbasin within IDWR Basin 86," on file with the Director of the Idaho Department of Water Resources. |

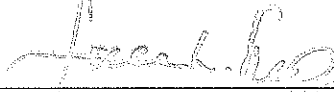
b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 86-11951

- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
- 2. Source of water** Ground water sources within the Hatwai Creek subbasin of Basin 86
- 3. Annual diversion volume** 11 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from ground water sources within the Hatwai Creek Subbasin of Basin 86.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Hatwai Creek Subbasin of Basin 86.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions necessary for definition or administration of this water right**
 - a. The Hatwai Creek Subbasin of Basin 86 includes all lands draining into Hatwai Creek, which is a tributary to the Clearwater River. The area included within the Hatwai Creek subbasin is depicted on a map entitled "Hatwai Creek subbasin within IDWR Basin 86," on file with the Director of the Idaho Department of Water Resources.

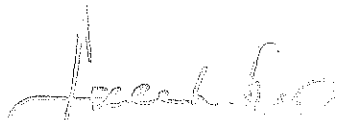
b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 86-11952

2007 JUN 20 PM 10 13
FILED
DISTRICT COURT - 5th JUDICIAL DISTRICT
TWIN FALLS CO., IDAHO

- | | |
|---|---|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Ground water sources within the Little Potlatch Creek subbasin of Basin 86 |
| 3. Annual diversion volume | 4 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from ground water sources within the Little Potlatch Creek Subbasin of Basin 86. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Little Potlatch Creek Subbasin of Basin 86. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions necessary for definition or administration of | a. The Little Potlatch Creek Subbasin of Basin 86 includes all lands draining into Little Potlatch Creek, which is a tributary to the Clearwater River. The area included within the Little Potlatch Creek subbasin is depicted on a map entitled "Little Potlatch Creek subbasin within IDWR Basin 86," on file with the Director of the Idaho |

this water right

Department of Water Resources.

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January 2007.

A handwritten signature in cursive script, appearing to read "John M. Melanson", written in dark ink.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 86-11953

2007 JUN 3 09 10 13
FILED
TWIN FALLS CO., IDAHO
DISTRICT COURT - 5th JUDICIAL DISTRICT

- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
- 2. Source of water** Ground water sources within the Pine Creek subbasin of Basin 86
- 3. Annual diversion volume** 10 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from ground water sources within the Pine Creek Subbasin of Basin 86.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Pine Creek Subbasin of Basin 86.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions necessary for definition or administration of this water right**
 - a. The Pine Creek Subbasin of Basin 86 includes all lands draining into Pine Creek, which is a tributary to the Clearwater River. The area included within the Pine Creek subbasin is depicted on a map entitled "Pine Creek subbasin within IDWR Basin 86," on file with the Director of the Idaho Department of Water Resources.
 - b. Notwithstanding the Priority Date of this water right, the Tribe

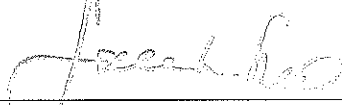
and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLES

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 86-11954

- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
- 2. Source of water** Ground water sources within the Potlatch River subbasin of Basin 86
- 3. Annual diversion volume** 93 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed from ground water sources within the Potlatch River Subbasin of Basin 86.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Potlatch River Subbasin of Basin 86.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions necessary for definition or administration of this water right**
 - a. The Potlatch River Subbasin of Basin 86 includes all lands draining into Potlatch River, which is a tributary to the Clearwater River. The area included within the Potlatch River subbasin is depicted on a map entitled "Potlatch River subbasin within IDWR Basin 86," on file with the Director of the Idaho Department of Water Resources.


b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.

c. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the groundwater resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other groundwater users.

d. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 86-11955

- 1. Name and address of owner:** UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Ave.
Portland, OR 97232
- 2. Source of water** Those portions of the Clearwater River included within the Idaho Department of Water Resources Administrative Basin No. 86 and groundwater sources hydrologically connected thereto.
- 3. Annual diversion volume** 8291 acre-feet per year (AFY)
- 4. Diversion rate** Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code
- 5. Priority date** June 11, 1855
- 6. Points of diversion** Points of diversion may be developed to serve lands reserved in the Treaty of June 9, 1863 that are, at the time of use, held in tribal trust or tribal fee, or allotted lands held in trust or under restrictions against alienation.
- 7. Purpose of use** Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code.
- 8. Period of use** January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code.
- 9. Place of use** Lands reserved in the Treaty of June 9, 1863 that are, at the time of use, held in tribal trust or tribal fee, or allotted lands held in trust or under restrictions against alienation.
- 10. Basis of right** The legal basis for this water right is the doctrine of reserved water rights articulated in *Winters v. United States*, 207 U.S. 564 (1908), and its progeny.
- 11. Other provisions**
 - a. For groundwater wells in the vicinity of the Clearwater River, a hydrological connection to the Clearwater River is

**necessary for
definition or
administration of
this water right**


presumed when well levels respond to changes in the flow of the Clearwater River. Further, wells within 500 feet of the ordinary high water mark or within 200 feet of the 100-year flood plain of the Clearwater River and drilled and sealed to a depth below the bed of the Clearwater River are presumed to be connected to the Clearwater River. These presumptions do not preclude demonstration of a hydrological connection using other methods.

b. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code.

c. Notwithstanding the Priority Date of this water right, changes in Points of Diversion to other water sources shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Point of Diversion. Any such proposed changes in Points of Diversion will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL FINAL DECREE FOR
Federal Reserved Water Right 86-11956

- | | |
|---|--|
| 1. Name and address of owner: | UNITED STATES OF AMERICA, as trustee for the benefit of the NEZ PERCE TRIBE, acting through the AREA DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11 th Ave.
Portland, OR 97232 |
| 2. Source of water | Ground water sources within the Clearwater River subbasin of Basin 86 that are not hydrologically connected with the Clearwater River. |
| 3. Annual diversion volume | 203 acre-feet per year (AFY) |
| 4. Diversion rate | Diversion rates will depend on the purpose for which this water is used in accordance with the Tribal Water Code |
| 5. Priority date | June 11, 1855 |
| 6. Points of diversion | Points of diversion may be developed from ground water sources within the Clearwater River subbasin of Basin 86. |
| 7. Purpose of use | Irrigation, domestic, commercial, municipal, industrial, hatchery, cultural, and other uses in accordance with the Tribal Water Code. |
| 8. Period of use | January 1 to December 31, or as appropriate for the specific use in accordance with the Tribal Water Code. |
| 9. Place of use | Tribal trust, tribal fee, or allotted land held in trust or under restrictions against alienation within the Clearwater River subbasin of Basin 86. |
| 10. Basis of right | The legal basis for this water right is the doctrine of reserved water rights articulated in <i>Winters v. United States</i> , 207 U.S. 564 (1908), and its progeny. |
| 11. Other provisions necessary for definition or administration of | a. Clearwater River subbasin of Basin 86 includes all lands draining into Clearwater River. The area included within this subbasin is depicted on a map entitled "Clearwater River subbasin within IDWR Basin 86," on file with the Director of the Idaho Department of Water Resources. |

this water right

b. Notwithstanding the Priority Date of this water right, the Tribe and the United States shall exercise this water right in a manner that ensures persons lawfully diverting water prior to April 20, 2004, will continue to receive their full legal entitlement under state law.


c. To the extent that groundwater sources within the Clearwater River subbasin of Basin 86 are hydrologically connected to the Clearwater River, diversions from those sources shall be considered to be exercise of water right 86-11955 and not a part of this water right. The presumptions regarding connectivity in water right 86-11955 apply to determinations of whether a diversion is part of this water right.

d. This water right will be administered by the Nez Perce Tribe in accordance with the Tribal Water Code. Specific locations for Points of Diversion or Place of Use shall be determined pursuant to the Tribal Water Code. The Tribal Water Code shall be no less protective of the ground water resource than is state law governing the use of aquifers, including those state laws restricting the depletion of groundwater resources and the lowering of the pumping level of other ground water users.

e. Notwithstanding the Priority Date of this water right, changes in Points of Diversion or Place of Use to locations outside of this subbasin shall not injure the legal entitlement to water of those persons lawfully diverting water prior to the time of the change to the Points of Diversion or Place of Use. Any proposed changes in Points of Diversion or Places of Use to locations outside of this subbasin will be jointly reviewed by an intergovernmental board consisting of one representative of the Nez Perce Tribe, one representative of the Idaho Department of Water Resources, and one representative jointly appointed by the Tribe and the State of Idaho. The intergovernmental board will determine whether injury to other water users will result from the proposed change, and may examine other related issues regarding the interpretation of the 2004 settlement agreement on which this water right is based. The intergovernmental board will provide appropriate public notice and meet in open session to consider all relevant data, including, where appropriate, testimony from any person claiming that the proposed change will injure such person's water rights. In the event the intergovernmental board determines that the proposed change would injure the legal entitlements to water of those persons lawfully diverting water prior to the time of the proposed change or makes other related determinations, it shall make appropriate recommendations to the Tribe of the actions necessary to avoid such injury. This intergovernmental board's authority and review process is advisory only and shall not inhibit any party from seeking judicial enforcement of this decree.

IT IS SO ORDERED.

DATED this 30th day of January 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication